

Serial No. 09/538,396  
Group Art Unit: 1638

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Cancelled)
2. (Currently Amended) A recombinant expression cassette, comprising the polynucleotide of claim 42 19 operably linked to a promoter.
3. (Currently Amended) A host cell comprising the polynucleotide of claim 42 19.
4. (Currently Amended) A transgenic plant comprising the polynucleotide of claim 42 19.
5. (Original) The transgenic plant of claim 4, wherein said plant is a monocot.
6. (Original) The transgenic plant of claim 4, wherein said plant is a dicot.
7. (Previously Presented) The transgenic plant of claim 4, wherein said plant is selected from the group consisting of maize, soybean, sunflower, sorghum, canola, wheat, alfalfa, cotton, rice, barley, and millet.
8. (Previously Presented) A transgenic seed from the transgenic plant of claim 4 wherein the seed comprises the polynucleotide.

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- 9-18. (Cancelled)
19. (Currently Amended) ~~The~~ An isolated polynucleotide of claim 12, wherein the polynucleotide is ~~SEQ ID NO: 1, comprising a polynucleotide selected from the group consisting of:~~
- (a) the nucleic acid sequence of SEQ ID NO: 1; and
  - (b) a nucleic acid sequence which is fully complementary to the nucleic acid sequence of (a).
20. (Currently Amended) An isolated polynucleotide comprising a polynucleotide selected from the group consisting of:
- (a) a nucleic acid sequence encoding a polypeptide having at least 90% 95% sequence identity over the entire length of SEQ ID NO: 2, as determined by the GAP program under default parameters, wherein the encoded polypeptide binds to a MRE11 polypeptide; and,
  - (b) a nucleic acid sequence which is fully complementary to the nucleic acid sequence of (a).
21. (Cancelled)
22. (Previously Presented) The isolated polynucleotide of claim 20, wherein the polynucleotide encodes the polypeptide of SEQ ID NO: 2.
23. (Previously Presented) A recombinant expression cassette comprising the polynucleotide of claim 20 operably linked to a promoter.
24. (Previously Presented) A host cell comprising the polynucleotide of claim 20.

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25. (Previously Presented) A host cell of claim 24, wherein the host cell is a plant cell.
26. (Previously Presented) A transgenic plant comprising the polynucleotide of claim 20.
27. (Previously Presented) The transgenic plant of claim 26, wherein said plant is a monocot.
28. (Previously Presented) The transgenic plant of claim 26, wherein said plant is a dicot.
29. (Previously Presented) The transgenic plant of claim 26, wherein said plant is selected from the group consisting of maize, soybean, safflower, sunflower, sorghum, canola, wheat, alfalfa, cotton, rice, barley, and millet.
30. (Previously Presented) A transgenic seed from the transgenic plant of claim 26 wherein the seed comprises the polynucleotide.
- 31-39. (Cancelled)